



**US Army Corps
of Engineers**
Louisville District ®

Joint Public Notice

Public Notice No.

LRL-2013-00374

Open Date:

9 Aug 2013

Close Date:

9 Sep 2013

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Ms., Norma Condra, CELRL-OP-FN, Rm 752

P.O. Box 59

Louisville, Kentucky 40201-0059

Phone: (502) 315-6680

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA) and for State Water Quality Certification pursuant to Section 401 of the CWA from the Indiana Department of Environmental Management, Office of Water Quality.

APPLICANT: Clark-Floyd Landfill, LLC
61085 Sable Mill Court
Jeffersonville, Indiana 47130

AGENT: Redwing Ecological Services, Inc.
1139 South Fourth Street
Louisville, Kentucky 40203

LOCATION: Unnamed tributaries and adjacent wetlands to Muddy Fork in Borden, Clark County, Indiana

Latitude: 38.45564 N
Longitude: -85.84742 W
7.5 Minute Quad: Speed, Indiana

PURPOSE: To expand an existing landfill.

DESCRIPTION OF WORK: The proposed project includes the discharge of 6,948 cubic yards (cys) of clean soil and riprap fill material into a total of 2,658 linear feet (lf) of unnamed tributaries to Muddy Fork, 5.06 acres of adjacent wetlands, and 0.59 acre of open water pond. Approximately 1,177 lf of the tributaries are intermittent streams and 1,481 lf are ephemeral streams. Approximately 2.02 acres of the wetlands are emergent, 0.81 acre are scrub-shrub, and 2.23 acres are forested. The work would accommodate the addition of a slurry wall, borrow pit, relocation of a ditch, construction of a customer service center, and excavation of fill material in the northern portion of the site for future landfill activities associated with the vertical and lateral West Phase landfill expansion. Phase I of the landfill slurry wall expansion was previously authorized on April 5, 2012, by DA Permit No. LRL-2012-67.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant currently owns and operates the facility; therefore the relocation of

the existing facility would be cost prohibitive. In addition, five on-site alternatives were considered. However, each alternative would either be economically or technically unviable, or would impact more "waters of the U.S." than the preferred alternative.

To compensate for the unavoidable impacts to waters resulting from the project, the applicant's proposed mitigation plan includes a combination of stream re-establishment and rehabilitation, wetland creation and enhancement, and the construction of a borrow pit to mitigate for open water impacts. The mitigation would occur within the facility's property and within the same 8-digit watershed (Silver-Little Kentucky; 05140101) as the impact site.

The proposed stream mitigation activities include a full natural channel design to re-establish 2,175 lf and rehabilitate 1,182 lf of existing poor quality intermittent stream channels within the proposed mitigation site. In addition, the proposed stream mitigation includes the establishment of 4.3 acres of wooded riparian corridor along the re-established stream channels. The stream mitigation goal would be to re-establish and rehabilitate stable intermittent stream channels within a large contiguous stream and wetland complex to replace stream functions lost due to proposed impacts to the existing degraded intermittent and ephemeral stream channels.

The proposed wetland mitigation area would be constructed in a 13.13-acre area contiguous with the stream riparian buffer and would include the creation of 10.69 acre of forested wetland and 2.44 acres of scrub-shrub wetlands and the enhancement of 6.18 acres of existing wetlands located at the site. These locations were chosen for the hydrologic connection with the adjacent stream channels and the fact that this area is upstream of an existing subsurface barrier (slurry wall) which blocks groundwater flow raising groundwater levels in the mitigation area. Secondly, these mitigated wetlands would serve as water quality filters for stormwater runoff and overbanking events from the intermittent streams. Mitigation for open water impacts would be provided through the development of an approximately six-acre borrow area. The site would be protected in perpetuity by way of a Conservation Easement or Deed Restriction.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice may

constitute the application for the 401 certification. The IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, Section 401 WQC Program, 100 N. Senate Avenue Room N1255, Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. The applicant, based on informal consultation with the U.S. Fish and Wildlife Service (USFWS), Bloomington Field Office regarding potential impacts to threatened/endangered species habitat, performed a mist net survey at the site to address potential impacts to summer maternity roosting habitat for the federally endangered Indiana bat (*Myotis sodalis*) from proposed tree clearing activities. The results of the survey are being coordinated with the USFWS. Consultation with the USFWS under the Endangered Species Act is planned to further evaluate the proposed project.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on or eligible for the Register which would be directly or indirectly affected by the proposed work. A Phase Ia archaeological survey has been conducted in the project tract and no archaeological sites were identified as a result of this survey. Therefore, the Corps has determined that, in accordance with 36 C.F.R. 800.4(d)(1); 33 C.F.R. 325, Appendix C(7)(b); and the Interim Guidance issued by the U.S. Army Corps of Engineers on April 25, 2005, there would be no effect to historic properties from the proposed activities. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may

Operations Division
Regulatory Branch (North)
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be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Ms. Norma C. Condra, CELRL-OP-FN at the address noted above and should refer to the Public Notice Number LRL-2013-00374.

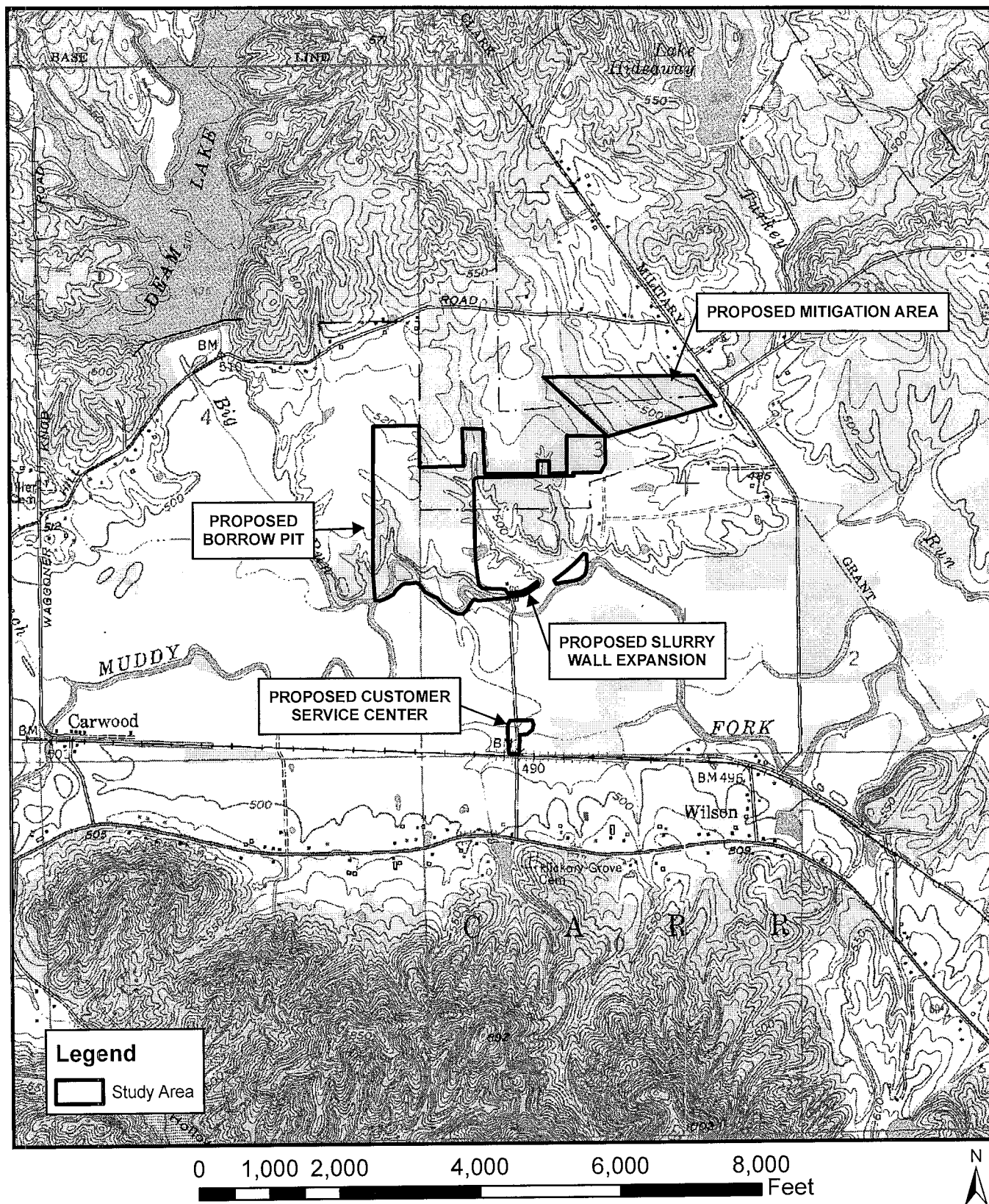
If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2013-00374.

Example:

Subject: LRL-2013-00374-anr

- b) Provide your physical mailing address and telephone number.
- c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.
- d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



CLARK-FLOYD LANDFILL SLURRY WALL
WEST PHASE PROJECT
CLARK COUNTY, INDIANA
USACE ID NO. LRL-2013-00374-anr

FILE: 11-037-03/Figures/Mitigation Plan/PN/Site Location

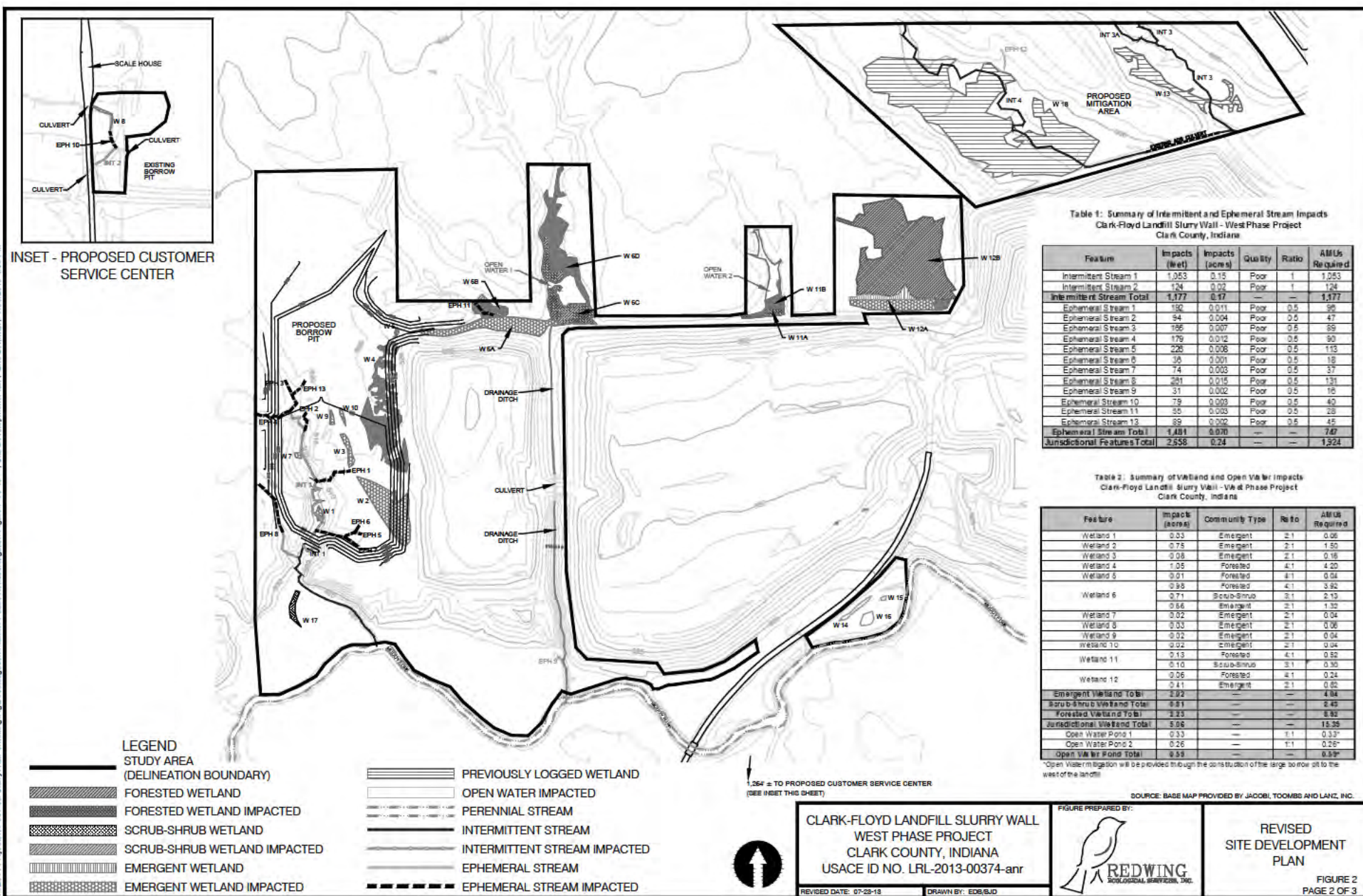
REDWING PROJECT 11-037-03

REVISION DATE: 7/22/2013 DRAWN BY LMB



SITE LOCATION MAP

FIGURE 1
PAGE 1 OF 3



**Table 1: Summary of Intermittent and Ephemeral Stream Impacts
Clark-Floyd Landfill Slurry Wall - West Phase Project
Clark County, Indiana**

Feature	Impacts (feet)	Impacts (acres)	Quality	Ratio	AMUs Required
Intermittent Stream 1	1,053	0.15	Poor	1	1,053
Intermittent Stream 2	124	0.02	Poor	1	124
Intermittent Stream Total	1,177	0.17	---	---	1,177
Ephemeral Stream 1	192	0.011	Poor	0.5	96
Ephemeral Stream 2	94	0.004	Poor	0.5	47
Ephemeral Stream 3	165	0.007	Poor	0.5	89
Ephemeral Stream 4	179	0.012	Poor	0.5	90
Ephemeral Stream 5	226	0.008	Poor	0.5	113
Ephemeral Stream 6	36	0.001	Poor	0.5	18
Ephemeral Stream 7	74	0.003	Poor	0.5	37
Ephemeral Stream 8	261	0.015	Poor	0.5	131
Ephemeral Stream 9	31	0.002	Poor	0.5	16
Ephemeral Stream 10	79	0.003	Poor	0.5	40
Ephemeral Stream 11	55	0.003	Poor	0.5	28
Ephemeral Stream 13	89	0.002	Poor	0.5	45
Ephemeral Stream Total	1,481	0.070	---	---	747
Jurisdictional Features Total	2,658	0.24	---	---	1,924

**Table 2: Summary of Wetland and Open Water Impacts
Clark-Floyd Landfill Slurry Wall - West Phase Project
Clark County, Indiana**

Feature	Impacts (acres)	Community Type	Ratio	AMUs Required
Wetland 1	0.03	Emergent	2:1	0.06
Wetland 2	0.75	Emergent	2:1	1.50
Wetland 3	0.08	Emergent	2:1	0.16
Wetland 4	1.05	Forested	4:1	4.20
Wetland 5	0.01	Forested	4:1	0.04
Wetland 6	0.98	Forested	4:1	3.92
	0.71	Scrub-Shrub	3:1	2.13
	0.66	Emergent	2:1	1.32
Wetland 7	0.02	Emergent	2:1	0.04
Wetland 8	0.03	Emergent	2:1	0.06
Wetland 9	0.02	Emergent	2:1	0.04
Wetland 10	0.02	Emergent	2:1	0.04
Wetland 11	0.13	Forested	4:1	0.52
	0.10	Scrub-Shrub	3:1	0.30
Wetland 12	0.06	Forested	4:1	0.24
	0.41	Emergent	2:1	0.82
Emergent Wetland Total	2.02	---	---	4.04
Scrub-Shrub Wetland Total	0.81	---	---	2.43
Forested Wetland Total	2.23	---	---	8.92
Jurisdictional Wetland Total	5.06	---	---	15.39
Open Water Pond 1	0.33	---	1:1	0.33*
Open Water Pond 2	0.26	---	1:1	0.26*
Open Water Pond Total	0.59	---	---	0.59*

*Open Water mitigation will be provided through the construction of the large borrow pit to the west of the landfill

